



Town of New Windsor

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OFFICE OF THE PLANNING BOARD

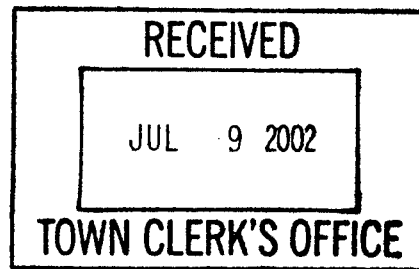
WEDNESDAY - JULY 10, 2002- 7:30 PM

TENTATIVE AGENDA

CALL TO ORDER ROLL CALL

ANNUAL MOBILE HOME PARK REVIEW:

- a. Thompson Mobile Home Park – Walsh Ave.
- b. Mt. Airy Mobile Home Park – Rt. 207



REGULAR ITEMS:

1. JMR ASSOCIATES (SQUIRE VILLAGE) SITE PLAN AMENDMENT (02-19)
QUASSAICK AVENUE (KARTIGANER) Proposed expansion of parking area.
2. VANTAGE CONSTRUCTION SUBDIVISION (01-55) RILEY ROAD (TAROLLI)
Proposed 20-lot residential subdivision.
3. WVR REAL ESTATE (MAVIS TIRE) (02-20) SHOP RITE PLAZA BUILDING "D"
(ROSENBERG) Proposed tire sales in existing vacant building at site, formerly Hollywood
Video site

CORRESPONDENCE

DISCUSSION

4. MOORES HILL ESTATES SUBDIVISION – MOORES HILL ROAD (TORRO)
5. MOWER MEDIC – RT. 207 (FORMERLY ALDA AUTO) – FROM WORKSHOP
6. HUDSON VALLEY CIRCLE OF FRIENDS – UNITARIAN CHURCH – APPROVAL

ADJOURNMENT

(NEXT MEETING –AUGUST 14, 2002)

July 10, 2002

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TOWN OF NEW WINDSOR

PLANNING BOARD

JULY 10, 2002

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: JIM BRESNAN

REGULAR MEETING

MR. PETRO: I'd like to call the regular meeting of the New Windsor Planning Board to order for Wednesday, July 10, 2002. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARK REVIEW

THOMPSON MOBILE HOME PARK

Mr. Fred Thompson appeared before the board for this review.

MR. PETRO: Mike, has someone from your department been to the site to the park and did you have, do you have any comments?

MR. BABCOCK: Yes, we have, there was one comment, I guess one trailer caught on fire, they removed it and it says no improvements from last year.

MR. PETRO: No, say that again,

MR. BABCOCK: No improvements from last year.

MR. PETRO: Is that good or bad? We can go either way.

MR. BABCOCK: They removed the mobile home that was burnt out.

MR. PETRO: I follow you. I just thought you never improved anything. Okay, Fred, do you have \$100?

MR. THOMPSON: Yes.

MR. PETRO: Motion for one year extension.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Thompson Mobile Home Park. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE

July 10, 2002

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MR. PETRO

AYE

MT. AIRY MOBILE HOME PARK

Mr. Matt Mastowski appeared before the board for this review.

MR. PETRO: Mark, anyone from your department been to the site or park?

MR. BABCOCK: Yes, we have, Mr. Chairman, there's some comments, they're pretty minor in nature, LP tank, things, some overgrowth and some unregistered vehicles. I've talked to the applicant and they're willing to take care of it. They do not own the units themselves but we're going to contact the unit owners, tell them to straighten things out.

MR. PETRO: Copy of the comments?

MR. MASTOWSKI: Yes.

MR. PETRO: Check for \$100 made out to the Town of New Windsor.

MR. MATOWSKI: Yes.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motions has been made and seconded that the New Windsor Planning Board grant one year extension to the Mt. Airy Mobile Home Park. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

REGULAR ITEMS:

JMR ASSOCIATES (SQUIRE VILLAGE) (02-19)

Mr. Scott Kartiganer appeared before the board for this proposal.

MR. KARTIGANER: I'm representing JMR Associates. What we're proposing to do is provide for additional parking in the shopping center more as a relief parking. What we have experienced only basically during peak periods or during lunch when there's a very popular movie comes up, we'll get a lot of activity, what we want to be able to do is represent, we're getting some activity as far as wanting to least the restaurant space that's over there which may end up being a nighttime activity, so we want to be able to provide additional parking for that.

MR. PETRO: Blacktopped?

MR. KARTIGANER: This will be blacktopped, this extension is very similar to exactly the same kind of format.

MR. PETRO: New spots are just the dotted ones?

MR. KARTIGANER: New spots are dotted ones on my drawing I'm showing where we're going to be doing the work.

MR. PETRO: Just buy that land?

MR. KARTIGANER: No, it's part of the site.

MR. PETRO: Wasn't there a dropoff or drainage?

MR. KARTIGANER: There's a dropoff there, if you take a look how we modified the topo, we'll come down, we'll drop a little bit about eight percent slope, six or eight percent slope, we take advantage in the design, in that particular area it's coming in, sloping gently towards Union Avenue, this original plan I got Mark's comments, this plan which showed that everything was going to be sheet flow coming over and through cause

we're only draining this area, this other area is all subsurface.

MR. PETRO: You have a natural culvert, why don't you tie into the system?

MR. KARTIGANER: That's what we did, that was Mark's statement and we have no objection to doing that, what we're going to be doing, I told Mark, is a large culvert that's over there draining the entire site, we're going to just take the two catch basins in here and just have outfall at the approximate location but not tie into that existing one, it will be easier to construct.

MR. PETRO: Extend the 36 inch pipe?

MR. KARTIGANER: No, that's existing so it's all the way under so we didn't anticipate.

MR. PETRO: Outflow in the same location?

MR. KARTIGANER: Same location, so either way we'll be fine the way we show this on the plan.

MR. PETRO: Highway approval on 7/10/02 and fire approval 7/8/02.

MR. LANDER: How are we going to handle the lighting?

MR. KARTIGANER: Lighting will be the same way we've had, we had another note the way the lighting is there now we have Central Hudson so they provide, release the lights from Central Hudson, they have some input as far as where it's put. We had a note on the prior plan which essentially says you guys have jurisdiction, if you don't like the way that the lights are with Central Hudson, we'll modify it but it will be minimum lighting.

MR. PETRO: Screening?

MR. KARTIGANER: Screening, I basically took, there's existing trees that are here at the bottom, these are existing here and I just did the same kind of layout

for this side over here, there's also quite a bit of natural screening over there.

MR. LANDER: So you're going to leave the existing trees there?

MR. KARTIGANER: Leave the existing trees, we're only going to disturb basically to where we are.

MR. PETRO: Same design. Motion for lead agency.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the JMR Associates site plan.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: As far as a public hearing is concerned, any comments from the board members, whether it's necessary or not, we can waive the public hearing?

MR. LANDER: You've got Squire Village to the south, you've got one residence right here and I imagine the residence across the street.

MR. ARGENIO: Some of the people on the north side of Union Avenue did make a little bit of noise initially when they constructed the original parking lot.

MR. PETRO: Screening and the lighting, I think.

MR. ARGENIO: Correct, that was exactly the issue.

MR. PETRO: We're just repeating the same screening which we approved in the first one. Mike, have you had any complaints in your department?

MR. BABCOCK: I think originally we did and they planted some trees down there and then the trees died, we got some complaints, they fixed them, it's been a long time since I can remember any complaints.

MR. LANDER: I think also Central Hudson did something with the lights there, put shades on them or something.

MR. EDSALL: Yes.

MR. BABCOCK: Yes, some shades put on the lights. I haven't had complaints in years.

MR. ARGENIO: As I remember it, the owner was fairly accommodating when it came to all the issues originally when he was here.

MR. LANDER: They're right across the street from that one light pole, I believe.

MR. ARGENIO: What's that?

MR. LANDER: The resident that had made the complaint about the light.

MR. ARGENIO: What I was referring to was the owner who developed the property was fairly accommodating as I remember. Do you remember different?

MR. LANDER: No.

MR. ARGENIO: When it came to the screening and the lighting issues.

MR. BABCOCK: Scott, isn't this change sparked by the comedy club?

MR. KARTIGANER: That's not coming in, but we want to be prepared to be able to do that, it was a good tenant which we lost and want to be able, that would be a good tenant to go in there to supplement the existing theater. So we'd like to be able to have that ability to do that.

MR. BABCOCK: And this parking will give that you ability?

MR. KARTIGANER: It many make it attractive to attract other tenants.

MR. PETRO: Public hearing, gentlemen, I'll poll the board. What's the total number of spaces?

MR. KARTIGANER: We're losing some spaces and adding.

MR. PETRO: Total for the entire site?

MR. KARTIGANER: Total for the entire site we have 646.

MR. PETRO: So you're basically adding.

MR. KARTIGANER: Seventy spaces.

MR. PETRO: So you have 12 percent change, you're decreasing your variance, you're making your variance better by doing this, so, in my opinion, I would say that we don't need a public hearing but I will take a motion anyway.

MR. KARNAVEZOS: Motion we waive the public hearing.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the JMR Associates site plan. Is there any further discussion from the board members? And again, I think the motion's made because it's such a small percentage of the whole and you're improving your variance.

MR. ARGENIO: And the fact that Mike hasn't had any complaints.

MR. PETRO: Same exact screening is taking place that's already been through the mill, if you want to say that.

MR. ARGENIO: I agree.

MR. PETRO: Roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Positive nor negative dec?

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare this as an unlisted action and declare a negative dec under the SEQRA process for the JMR Associates site plan on Quassaick Avenue. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Mark, do you have anything else other than the site plan bond?

MR. EDSALL: Other than my comments, we have one thing we wanted to acknowledge for the record, Mike was just inquiring, this is all one tax lot now, correct, Scott?

MR. KARTIGANER: That's right.

MR. EDSALL: All portions of the entire lot are within the C zone?

MR. KARTIGANER: That's correct.

MR. EDSALL: NC zone?

MR. KARTIGANER: Yes.

MR. BABCOCK: Do you know where the line is, Scott?

MR. KARTIGANER: You know this entire parcel that C zone is specifically made for this parcel so I'm pretty sure it encompasses that specifically.

MR. PETRO: You can encroach 30 feet too, correct, on the next zone?

MR. BABCOCK: I wanted to know where the residential line started and if this was a separate lot and this, and he's saying it's not, so we have no problem.

MR. PETRO: And the drainage, it's not, it's going to be shown on the plan before it's stamped, before it's stamped?

MR. KARTIGANER: Absolutely, we can do that.

MR. PETRO: That's the only subject to. Motion for final approval.

MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant final approval to the JMR Associates site plan amendment and subject to the drainage as we had discussed earlier be put on the plan and Mark reviews it and his stamp of approval and the lighting as was stated earlier. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

VANTAGE CONSTRUCTION SUBDIVISION (01-55)

Mr. Andy Bell appeared before the board for this proposal.

MR. PETRO: Project involves subdivision of 3 tax parcels into 19 lots. Plan was previously reviewed at the 26 September, 2001, 13 February, 2002, 27 March, 2002 planning board meetings. All single family except lot 19 which has an existing multi-family. Mark, 1A, the zoning compliance, you're satisfied with that now or Mike?

MR. BABCOCK: Yes, I am.

MR. PETRO: We don't even need to go into it, the zoning is correct.

MR. EDSALL: That comment's there just to make the record clear.

MR. PETRO: Storm water management and water quality?

MR. EDSALL: That issue, Mr. Chairman, was a concern of the highway superintendent's, if there was a less complex way to address the DEC's regulations, that's the best way to handle it and inasmuch as there's going to be a drainage ditch formed, any maintenance costs will be carried by the property owners in the district so he's found that acceptable as well as Comment C which is the modified cul-de-sac diameter for the right-of-way. So I resolved those two issues.

MR. PETRO: This is the one with the couple lots across the road, remember I asked you that earlier?

MR. EDSALL: Yes, there's one.

MR. PETRO: We had talked about the odd ball lot, I talked to you about.

MR. BELL: It was brought up at the last meeting, I wasn't here, but there was some discussion about it, yeah.

MR. PETRO: Lot number 13.

MR. BELL: That would be lot 13, part of a parcel that we purchased in addition to the main parcel, the frontage piece.

MR. PETRO: You're getting frontage on the lot where, just off the cul-de-sac?

MR. BELL: Yes, we're pulling off the cul-de-sac.

MR. PETRO: That's your frontage?

MR. BELL: Yes.

MR. PETRO: Isn't that going to change pretty soon?

MR. EDSALL: Well, they're not really grandfathered, they have a pre-existing, non-conforming condition where it's landlocked with no frontage and zero lot width, so they're creating a slightly irregular lot as you can see but they're increasing frontage and increasing lot width, it's better than it is now.

MR. BABCOCK: Mr. Chairman, that is changing.

MR. PETRO: It's changing, that's what I meant, pretty soon. Cul-de-sac diameter, I discussed this with the highway superintendent, he knows problem with the increased right-of-way diameter, he did indicate that he wants the standard paved dimensions.

MR. LANDER: Is that bigger than what he asked for?

MR. EDSALL: The property itself is larger but he doesn't want anymore pavement, we'll just end up with more land beyond the pavement.

MR. PETRO: We have public hearing none already?

MS. MASON: Yes.

MR. PETRO: Motion for negative dec?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare this an unlisted action and declare a negative dec under the SEQRA process for the Vantage Construction subdivision on Riley Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Preliminary approval, they're just here for preliminary approval?

MR. EDSALL: Yes and they should just as a reminder start working with Bob Rogers for the proposed road name. I know he was out on medical when they were working on this last time, but he's back now so you can work with him.

MR. ARGENIO: Mark, there was an issue with this application about a lift pump for the sewer or with a, was that water pressure pump or it was a sewer pump?

MR. EDSALL: Sewer pump station that--

MR. ARGENIO: That's resolved with 1D?

MR. EDSALL: Yes, they, the applicant can put it on the record but they're offering to replace the downstream pump station to correct that problem.

MR. PETRO: Where is highway's latest comments? We don't have anything from highway.

MR. EDSALL: I spoke with Mr. Kroll today and discussed comments 1B and 1C which were the two open issues we had with him and I can indicate that he did agree that

he had no problem with those two.

MR. PETRO: We'd have to make it subject to.

MR. EDSALL: Yeah, I mean, obviously, he's going to have to write off on it, final as well as sewer department and everyone else.

MR. PETRO: Still has to sign off on preliminary, correct, so we'd need subject to highway approval.

MR. EDSALL: Yeah, you can do that before it's referred on and obviously, as far as this pump stations, the plan that comes in for referral to the New York State DEC will include the pump station and unless that meets the town's requirements, the supervisor won't sign the application.

MR. PETRO: Street name 911, we're not happy with it, one lot I know you worked with the pump station, so I think we'll work with you because you're working with us. How does that sound?

MR. BELL: Thank you.

MR. PETRO: Okay, any other comments, Mark, I think--

MR. EDSALL: No, I think it's in good shape for preliminary.

MR. PETRO: I think we closed everything out, we just did the SEQRA motion. Motion for preliminary approval.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant preliminary approval to the Vantage Construction subdivision on Riley Road subject to the highway superintendent signing the plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

July 10, 2002

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MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

WVR REAL ESTATE (MAVIS TIRE) - (02-20)

Mr. Jeff Rosenberg appeared before the board for this proposal.

MR. PETRO: Proposed tire sales in existing vacant building at site former Hollywood Video site.

MR. ROSENBERG: You guys have site plans there so do you want me, what do you want me to put up, the Mavis thing or the site plan?

MR. PETRO: I think the site plan, that's what I'd like to see.

MR. ROSENBERG: There's no change relating to the building, the actual site plan, there's no change to that.

MR. PETRO: Put that up and we'll look at this plan. How's that sound?

MR. ROSENBERG: We're going to put doors in the front so the building's exactly the same, same front door, same windows, same vestibule that's there.

MR. PETRO: How about traffic flow, in other words, you're going from a building that has sidewalks around it, just pedestrian traffic going into it, now you have garages?

MR. ROSENBERG: Right along the front, the sidewalks will remain along the side.

MR. PETRO: You're removing them in the front?

MR. ROSENBERG: Just here.

MR. PETRO: How about traffic pattern going in and out of the building? You're going to be crossing, is there a pedestrian crossing? This is very close to Shop Rite.

MR. ROSENBERG: Right, it's not facing Shop Rite, its

facing the road so it's facing the road so that they're here, so there's no real pedestrian traffic there at all.

MR. EDSALL: Jeff, you said the windows are all staying the same, but there's five bay doors aiming toward the highway now.

MR. ROSENBERG: They're there, windows are there.

MR. EDSALL: There wasn't five bay doors before.

MR. ROSENBERG: There's just a wall there, well, I correct myself.

MR. BABCOCK: He just wants to make sure the record is clear.

MR. ROSENBERG: Yeah, there are five bay doors.

MR. PETRO: What about parking, how does it affect, if you took retail on the original plan and now we have this use, how does it compare for parking spots?

MR. EDSALL: In my comment 2A I outline the calculation for that same building as it was approved as a retail building versus being a service repair garage. The proposed use would increase the required parking by only three spaces, but as a result of the five bay doors going in, they're eliminating 8 spaces along the building which means there's a total deficiency of 11. The problem with that is that they're here before you by virtue of a variance which eliminating 11 spaces creates an increased need for a variance.

MR. PETRO: We'll get back to that, sounds like we need a referral to zoning board.

MR. ROSENBERG: We're okay with our variance, though right now, we have 1,045 spaces. Our net required is only 875 with the variance that we have already received from the planning board, from the Zoning Board.

MR. EDSALL: So, you got a greater variance than what

you utilized?

MR. ROSENBERG: We never changed the variance when we added a parking deck, so we added 150 spaces with keeping the same variance.

MR. ARGENIO: So when you went for the variance originally, you went with a set of plans that didn't show the parking deck, correct?

MR. ROSENBERG: That's correct.

MR. ARGENIO: Then the requirements of your tenant and your anchor space up there forced you to build a parking deck?

MR. ROSENBERG: That's correct.

MR. ARGENIO: And you ended up with more parking.

MR. ROSENBERG: Right, so we ended up with 1,045 spaces and variance of 8 and we only are required for 875.

MR. EDSALL: So basically the approved plan doesn't have the correct numbers, there's an updated plan showing the deck that would have--

MR. ROSENBERG: That's on this plan that you have.

MR. EDSALL: What you're saying is that the approved plan and this plan is the difference?

MR. ROSENBERG: That's correct, I mean, this plan was approved in, this plan may be the approved plan, though.

MR. EDSALL: In either case, one thing that the board has to consider is that you may have an adequate number of spaces in gross existence, but if you have the spaces in the wrong places, doesn't do you any good. In other words, if you have a service repair garage in the corner, it's very unlikely they're going to go up on the parking deck and park. So you've got to look at the balance you've still got in plain terms of the area of retail, you've got 11 less spaces than what the code

looks for this use to have, it's your decision if you think retail did support a garage.

MR. PETRO: How many spaces retail do you have?

MR. ROSENBERG: There's 24 spaces in that area, plus 4 and 7 on the other side or is that total?

MR. EDSALL: It's 24 total spaces and the required parking for the use is 30.

MR. PETRO: So it's 20 percent off how many bays in this new building?

MR. ROSENBERG: Five.

MR. PETRO: So you've got five people come in there at one time.

MR. ROSENBERG: What Mavis said it's very, very limited, they have no use for even the 24 parking spaces, I mean, they said on average, they use 6 parking spaces during the course of the day, most people drop their car off and wait and that's inside the bay, hardly anybody is parking around the building.

MR. PETRO: Kind of have to agree with that myself, like Gannon Tire, it's not something that they have over here where there's a lot of parking all the time, figure you get tires, I mean, the cars inside getting the tires, I'm not sitting around.

MR. ROSENBERG: They said that the supermarket can use their parking because they have no use, they don't mind people parking in the lot.

MR. BABCOCK: Jeff, on this plan that you submitted here, did they get this tonight? You have nine bays.

MR. ROSENBERG: Five doors, nine bays, they're going to double.

MR. BABCOCK: There's room for 9 cars inside the building so that even helps the situation.

MR. PETRO: Yeah, I mean, you've got to think, approach this logically, I agree with Mark, you're increasing the variance, forget about the parking deck because again, those people aren't going to go over there.

MR. ARGENIO: I agree, the proximity of spaces is as important as the quantity.

MR. PETRO: That's why I asked what's the actual number of parking spots at the site, 24 and you have 9 inside so you have, so, you really--Mark?

MR. EDSALL: We're just discussing the flow for the 9 bays as you were discussing the orders, they're going to be in the building versus what the code reflects, which is more for a service repair garage than a strictly tire business looking at having cars outside after they're repaired.

MR. PETRO: Code can't cover every specific use.

MR. EDSALL: Difficulty comes down to maybe you can address as part of the special permit is that this specific use may not cause the problem, but if you approve as a service repair garage and it turns into something different in two years, it's not a change in use, but the parking demand or what you see occurring out there may change, service repair garage covers anything from tires to oil to transmissions to everything.

MR. ROSENBERG: You can make it specific to Mavis Tire.

MR. BABCOCK: Typically, you're going to go there, get your service and leave. If you have a major repair shop, you could have cars sitting outside waiting for parts. This is not going to happen there, they have every tire there is possibly to have.

MR. EDSALL: Given it's a special permit, the considerations are the visual aspects, I don't know that you'd want a transmission shop with cars being repaired out in the front. So is this maybe unique and you may have to look at it a little more closely and restrict it a little more.

MR. PETRO: Part of the special use permit, can't we just make it for this particular use and that's it?

MR. EDSALL: We have to outline the reason why this specific type use would work.

MR. PETRO: I think you just did and I think it's somewhat obvious, I mean, that's certainly not a location to have a repair garage with a junk yard out front.

MR. ROSENBERG: No, and if you've seen their shops, they have 45 or 40 shops, they're very professional looking, nice looking stores.

MR. PETRO: I think it would hurt your own business to have a junk yard.

MR. ROSENBERG: Ideally, it's not a bad use, I mean, it's right in the corner of the shopping center, I don't want it junky looking, everybody will see this.

MR. PETRO: Okay, any other technical things we should look at, Mark, anything that's--motion for lead agency?

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency under the SEQRA process for Big V Town Center site plan amendment. Any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: This is a mandatory public hearing for a special use permit.

MR. ROSENBERG: It can't be waived by the board?

MR. PETRO: No, if it wasn't for a special use permit, we could.

MR. ROSENBERG: But you can't get around, this use has to have a special use permit though?

MR. PETRO: That use, Mark, is the only way to put that?

MR. BABCOCK: Yeah, it's got to have special permit.

MR. PETRO: In the C zone?

MR. BABCOCK: That's the only place it fits in.

MR. PETRO: Even in a C zone?

MR. BABCOCK: Yes.

MR. ROSENBERG: Can't consider it retail?

MR. BABCOCK: Retail would kill you on parking.

MR. ROSENBERG: Okay.

MR. BABCOCK: Plus retail is retail, but it's a retail, the only thing that's approved here is a retail store. It's service repair, it is what it is, I understand the special permit and the time that it goes through but it is what it is.

MR. PETRO: Well, it's mandatory public hearing, so you can schedule that with Myra. I suppose we don't have to do a roll call and all right, just back to site plan, I think we're passed the variance point, so I don't think we're really going to need that.

MR. EDSALL: No.

MR. PETRO: Any other site plan issue?

MR. LANDER: Not going to be any outside storage of tires?

MR. ROSENBERG: No, everything stays the same, they're using the same enclosed garbage thing that's there that we built. They have to go to the ZBA for a variance on their signage because the Hollywood Video sign which was actually bigger than this expired, plus I think that was specific to Hollywood Video.

MR. PETRO: What do you mean it expired?

MR. ROSENBERG: Well, if I'm correct because they never put the sign up or they put it up and took it down, the variance for the Hollywood Video sign that we got is no longer valid. Is that true?

MR. PETRO: I disagree with that.

MR. ROSENBERG: I thought they had to put it up, otherwise they couldn't put it up.

MR. PETRO: You got a permit to put it up?

MR. ROSENBERG: Yes, but then they took it down.

MR. PETRO: Work that out with Mike Babcock.

MR. ROSENBERG: Okay.

MR. EDSALL: Jim, possibly a simple way of dealing with this unique situation would be if the applicant could submit voluntarily a statement that if the occupancy of that building changes, that they agree to resubmit for new special permit or new site plan approval because rather than us attempt to document a reason why they have to, if they agree that this is unique and it's a special location being so close.

MR. PETRO: Make it part of this application, do what Mark's asking because we won't be able to monitor it, it could be years down the road and you're agreeing to it now but you could be in the Bahamas, someplace in three years and not know what the hell anybody's talking about or care, Argentina, thank you. So make that part of the application and you agree to do that and I'll check out the sign with Mike's department and

I think if it's as big or smaller, I don't see a problem but that's between you and the building department.

MR. ROSENBERG: Did they check with you to see?

MR. BABCOCK: Maybe my office, not me, but give me a call.

MR. PETRO: Keep in mind the variance goes with the property, so the variance was not--

MR. ROSENBERG: I assumed it went to the tenant.

MR. PETRO: Variance did not go with Hollywood Video, therefore, if the variance was given for the sign, am I correct, Andy?

MR. KREIGER: Generally speaking, yes.

MR. PETRO: I'm in the ballpark so take care of it with Mike and you're going to schedule a public hearing. Thank you.

MR. ROSENBERG: At the next available date, whenever that is.

DISCUSSION

MOORES HILL ESTATES SUBDIVISION

Mr. Larry Torro appeared before the board for this proposal.

MR. TORRO: Good evening, my name is Larry Torro with AFR Engineering. This application obviously has been before the planning board for quite some time. I have some maps I can give you, basically the same layout it has been the application, the original preliminary approval goes back to I believe August of 1999. At that point, we had proceeded to New York State DEC for sewer main extension and water main to the Orange County Department of Health. At that point, it was also issued to the Parks Department on the SHPO and again, I'm not quite sure who's here or not because Mr. Clearwater from our office originally handled it so bear with me a little bit here, please. There was issues as far as archeological significance on the site, through a Phase 1 and Phase 2 studies there was some findings related to a foundation and our archeologist, Mr. Steve Oberon (phonetic) with Columbia Heritage went back and forth with the State Department of Parks and came to the conclusion that it had required what's called a Phase 3 study. Basically, what that is is somewhat of an archeological dig where they have to go in actually with a trowel and shovel and inventory what's there.

MR. PETRO: What are they looking for there?

MR. TORRO: I guess at the February meeting, apparently, we had requested an extension again preliminary approval and it was granted but--

MR. PETRO: February 27.

MR. TORRO: Right and I had received a copy of the minutes in May and in reading through them, I noticed it seemed that it was indicated that this, this may be the last extension granted by the board. So what I was trying to do before that's up in August is come before you. There's no way I know I'll have it done by

August, the archeologist is going to start, if he should of started by now his dig, he needs through the summer to complete that. DEC will not entertain a sewer main or storm water management, any of the issues until SHPO Parks Department signs off on the project.

MR. PETRO: Let me ask you this, if you don't get the extension, is this preliminary?

MR. TORRO: Yes.

MR. PETRO: If you don't get another extension, then what's the size of the lots? They're not the two acre lots, correct, you're going to lose your grandfather if you don't get another preliminary?

MR. BABCOCK: They're one half acre.

MR. PETRO: Cut to the chase, you're going to lose your grandfather clause if you don't get another extension so how can we or do we want to or is it proper to give another extension?

MR. EDSALL: Well, I think Larry's--

MR. PETRO: How many preliminary? Can it go on and on?

MR. EDSALL: Larry's made a good case, the applicant has spent a lot of time and money trying to get outside agency approvals. My real concern and I think I have a sense the board's concern, if someone has an application that they're really not making a diligent effort to get through, sounds to me like you're to the point of almost being tortured here and in trying to get through, do you have any idea when you believe you'll have these approvals back?

MR. TORRO: It's all contingent, yes, I would hope by the year's end that we'll wrap up most of the approvals and the beginning of the year we can be back and wrap the whole application up.

MR. EDSALL: When does the six months expire now?

MR. TORRO: In August.

MR. EDSALL: So end of February someplace there, in there it would carry through?

MR. TORRO: Yes.

MR. ARGENIO: What did they find that prompted the Phase 3 study?

MR. TORRO: Apparently, it was the remains of an old farm foundation, here's an outline.

MR. PETRO: Mark, I'm reading the February 27 minutes and obviously, I'm answering my own question, we can grant another 6 month extension, what happened is at that meeting, we felt that they were not pursuing, I'm reading here or actively pursuing the site plan, the subdivision site plan but obviously he is.

MR. EDSALL: We might not have had all the information that Larry just gave us.

MR. PETRO: It's not really his fault, especially with now a Phase 3, you have to do that, and with other parts of the government their tomorrows are in months.

MR. TORRO: I'm painfully aware of it.

MR. ARGENIO: Not like the New Windsor Planning Board.

MR. PETRO: No, so let's not go any further, I don't see a problem with going with another preliminary when he has to come back.

MS. MASON: It was in August.

MR. PETRO: You'll be notified, you come in.

MR. EDSALL: Why don't we put a date specific in the minutes so it's clear, why don't you say that it expires.

MR. PETRO: It was February 27 when he was here, so make it the 27th of August, whatever that meeting is.

MR. EDSALL: Well, do you want to have him come back or just give them on the record until February 27 next year, that's when you're going to look to wrap the whole thing up.

MR. PETRO: Can we go that far?

MR. EDSALL: The board has latitude to do it.

MR. PETRO: Let's do that, that's a lot easier, just make it coincide with this date here one year later which will be February 27 of 2003 instead of going through it.

MR. EDSALL: Larry, all the applications have gone into the health department and DEC just can't act yet?

MR. TORRO: Exactly.

MR. EDSALL: So there's nothing else we can do to help it?

MR. TORRO: Water main extension they have acted on.

MR. PETRO: Thank you. We should make a note of this, you can put this in the minutes, too, that here's a case here if anyone ever accuses us of trying to get rid of active applications to make the lots bigger, this is a case where we're actually working with an applicant to, you know, what's right is right and he has smaller lots, we understand that, but he's diligently trying to comply and he's doing the best that he can. So I think we'll have to work with him.

HUDSON VALLEY CIRCLE OF FRIENDS

Ms. Barbara Newman appeared before the board for this proposal.

MS. NEWMAN: I'm the secretary of our board and we're appealing to the board, applied for our conditional charter to be made permanent and we have not had our C.O. previously since 1998 which I'm not really certain why.

MR. PETRO: Where is the church, ma'am?

MS. NEWMAN: In the Unitarian, our school is on Vance Road.

MR. BABCOCK: Vance Road, 207 by Toleman Road, Mr. Chairman, maybe I can clear this up a little bit, what happened was they came in at some point to the planning board to have this facility there, for some reason, and we're not clear why, the planning board gave them approval for one year, we assumed because that's what they asked for. We give them a C.O. to operate their daycare for one year.

MS. NEWMAN: It's a school.

MR. BABCOCK: We give them, excuse me, I'm sorry, I didn't mean that, for one year now, they need a new C.O. with a new name and a new letter saying it's okay to continue.

MS. NEWMAN: It's just to obtain permanent charter from the New York State Department of Regents.

MR. BABCOCK: That's right and we can't give them that because the C.O. stipulated one year because that's what the planning board stipulated so I have talked to the fire inspector, Bob Rogers, he has no objection of it being there. The building department has no objection. They followed the code.

MR. PETRO: Something that's going to happen every year or you might not come back for another five years?

MR. BABCOCK: Actually, they never have to come back.

MR. ARGENIO: You have no problem with anything?

MR. BABCOCK: We have no problem, we think there was a temporary use, the person that came in the first time.

MS. NEWMAN: I don't think they asked for the right terminology.

MR. BABCOCK: We don't know why, but they asked for one year, that's what we gave them. They're here to ask to continue, they have continued it, it's been continued for how many years now?

MS. NEWMAN: Well, we're still in existence, I mean, so since the inception.

MR. EDSALL: What year did it go in?

MS. NEWMAN: 1998.

MR. BABCOCK: It's been there since '98, we inspect it every year, we have no objection to it, it's just that the C.O. stipulates one year because the planning board stipulated it.

MR. PETRO: So we're trying to clarify a clerical misunderstanding for a daycare?

MS. NEWMAN: No, for a school.

MR. PETRO: I know what I was saying. Mike, you can handle that. Any members have a problem?

MR. ARGENIO: I fully agree.

MR. BABCOCK: We have it on the record, we can put it in the file and we'll have a new C.O. without the one year and we'll be all set.

MR. PETRO: This is a permanent approval.

MR. BABCOCK: That's correct.

MOWER MEDIC

MR. PETRO: Is that you, Mike?

MR. EDSALL: No, I got this one. This is from the workshop we had, if everyone is familiar with the property where Dr. Proulx's office, the chiropractor's since deceased, the rear building we had a gentleman, Al Wyman (phonetic) come to the workshop, he wants to put in on 207 a 14 foot by 24 foot.

MR. BABCOCK: Right next to Diana's, just west of Diana's.

MR. EDSALL: If you look at your plans that the gentleman prepared, he's proposing 14 by 24 storage shed on the right side of the rear building, he's maintaining ten foot clearance, I think is what the fire inspector told me he needs to have not blocking any parking, just seems to me to be an accessory building. Mike didn't seem to have any problem with it but because it's an approved site plan, we wanted to see if you had any concern, if you want an application or you just want to let the building inspector know that you have no objection.

MR. ARGENIO: What's the building made out of, Mark?

MR. EDSALL: Previous manufactured storage building, it will likely be a wood like a Mr. Shed type building.

MR. PETRO: Now is he going to have retail sales there?

MR. EDSALL: My understanding he's going to be storing equipment in it, power equipment for his lawn and maintenance business.

MR. PETRO: What's he doing with the building itself?

MR. EDSALL: Might be what he's representing as a shop.

MR. PETRO: This is a shed you're talking about?

MR. ARGENIO: A large shed.

MR. PETRO: No footings, it's a shed?

MR. EDSALL: Yes.

MR. LANDER: What's the dimension between the concrete building and the shed?

MR. EDSALL: Ten feet.

MR. ARGENIO: I'm seeing ten there.

MR. LANDER: I believe it's ten.

MR. EDSALL: The question comes down to as long as he meets the requirements of the building and fire inspector's office, do you want a site plan or--

MR. PETRO: You take care of it, Mike and Mark. Okay, motion to adjourn?

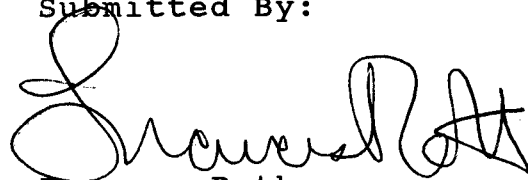
MR. ARGENIO: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

Submitted By:


Frances Roth
Stenographer